ORDINANCE NO. 6

Series, 1965

AN ORDINANCE ESTABLISHING A BUILDING DEPARTMENT, PRESCRIBING THE POWERS AND DUTIES OF THE BUILDING OFFICIAL, PROHIBITING THE CONTINUED EXISTENCE OF CERTAIN BUILDINGS AND STRUCTURES, PROVIDING FOR THE ABATEMENT AND REMOVAL OF UNSAFE AND DANGEROUS BUILDINGS AND STRUCTURES, PROVIDING FOR THE ABATEMENT AND REMOVAL OF UNSIGHTLY, OR UNSANITARY, OR DANGEROUS PERSONAL PROPERTIES AND/OR MATERIALS FROM REAL PROPERTY, PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1:

There is hereby established in the City of Elgin a "Building Department", which shall be under the jurisdiction of the Building Official, who shall be appointed by the City Council.

Section 2:

The Building Official is hereby authorized and directed to enforce all provisions of all building codes and all other ordinances of the City relating to the construction of buildings and improvements and/or the prevention and prohibition of dangerous, unsafe or offensive buildings or structures; and is further hereby authorized and directed to enforce all provisions of this ordinance and in particular relating to unsightly or unsanitary, or dangerous personal properties and/or materials. For such purposes he shall have the powers of a police officer.

Section 3:

With the approval of the City Council, Building Official may appoint inspectors and assistants; and may deputize such persons as may be necessary to carry out the functions of the Building Department.

Section 4:

Upon presentation of proper credentials, the Building Official, or any of his duly authorized representatives, may enter at all reasonable times, any building, structure or premises within the City, to perform any duty imposed on him by this ordinance.

Section 5:

Whenever any construction work is being done contrary to provision of any ordinance of the City, Building Official may order the work stopped by giving notice in writing which may be served on any persons engaged in the doing or causing of such work to be done, and such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Section 6:

Whenever any building or structure within the City is being used contrary to the provisions of any ordinance of the City, the Building Official may order such use discontinued and such building or structure, or any portion thereof, vacated, by the Building Official giving notice which shall be served on any person causing such use to be discontinued. Whenever any real property situate within the City has thereon situate any unsightly, or unsanitary, or dangerous personal properties and/or materials, the Building Official may order the abatement and removal thereof, by the Building Official giving notice which shall be served on any person responsible for the same. In any instance, heretofore described, such person so responsible shall discontinue use within ten (10) days of receipt of such notice, or shall make such building or structure, or any portion thereof, comply with the ordinances of this City; provided, however, that in the event of an unsafe or dangerous building, then Section 9 as hereinafter provided, shall apply. With respect to unsightly, or unsanitary, or dangerous personal property and/or materials, the responsible person so notified shall within ten (10) days after receipt of such notice, cause the removal thereof in compliance with the ordinances of this City.

Section 7:

The Building Official, or any employee of the City carrying out the functions of the Building Department in the enforcement of any ordinance of this City, and acting in good faith and without malice on behalf of the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act required or by reason of any act or ommission in the discharge of his duties. Any action or suit brought against the Building Official, or any such employee of the City, because of such act or ommission performed by him in the enforcement of any provisions of any ordinance of the City pertaining to his duties shall be defended by the legal department of the City until final termination of said proceedings.

Section 8:

The Building Official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of all other officials of the City.

Section 9:

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, or public welfare, or are offensive to the ordinary senses, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, are hereby declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure hereinafter specified.

(a) The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged or offensive, and, if such is found to be an unsafe building as defined above, the Building Official shall give to the owner of such building or structure, written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within five days, to commence either the required repairs or improvements, or demolition, and/or removal of such building or structure, or the affected portions therefore, and all such work shall be completed within ninety (90) days of such notice, unless otherwise stated by the Building Official. If necessary, such notice shall also require the building, structure, or portion thereof, to be vacated forthwith and not reoccupied until the required repairs are completed, inspected, and approved by the Building Official. Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the City Limits. If he is not found within the City Limits, such service may be made upon said owner by registered mail or certified mail, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin within ten (10) days of the date of the mailing of such notice.

(b) The Building Official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Elgin." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or the inspecting of such building for the purpose of demolishing, and/or the removal thereof.

(c) In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building, or structure, or any portion thereof, the City Council may order the owner of any such building or structure prosecuted as a violator of the provisions of this ordinance and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council, who, shall cause the same to be paid and levied as a special assessment against the property.

(d) Costs incurred under the preceding sub-section shall be paid out of the General Fund of the City. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located.

(e) In the event that the responsible person, who having received notice to remove or cause to be removed unsightly, or unsanitary, or dangerous personal properties and/or materials from real properties situate within the City, shall fail, neglect, or refuse to comply with the notice to remove the same, the City Council may order such person prosecuted as a violator of the provisions of this ordinance and/or may order the Building Official to proceed to remove the same. Upon such removal by said Building Official, a statement of the cost of such work shall be transmitted to the City Council, who, shall cause the same to be paid and levied as a special assessment against the real property upon which the same is situate. Cost incurred under such removal shall be paid out of the general fund of the City. Such costs will be charged to the premises involved as a special assessment on the land.

Section 10:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure or any portion thereof within the City, or cause the same to be done, contrary to or in violation of provisions of this ordinance or any other ordinance of the City.

Section 11:

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day, or portion of any day, during which any violation of the provision of this ordinance is committed, permitted, or continued, and upon conviction of any such violation such person shall be punishable by fine of not more than $500.00, or by imprisonment for not more than ninety (90) days in the City Jail, or by both such fine and imprisonment.

Section 12:

Whereas, this ordinance is necessary for the immediate preservation of the public health, safety, and general welfare of the citizens of the City, due to the number of unsafe and dangerous buildings and structures situate within said City, an emergency is hereby declared to exist, and this ordinance shall be immediately effective upon its passage and approval by the Mayor.

PASSED by the City Council this 14th day of September, 1965.

APPROVED by the Mayor this 14th day of September, 1965.

Lloyd C. Spiker
Mayor

ATTESTED and filed this 14th day of September, 1965.

Ethel Hunt
City Recorder